

COURTROOM MINUTES OF CRIMINAL PROCEEDINGS
Norfolk/Newport News Division

SENTENCING MINUTESSet: 9:00 a.m.Started: 9:00 a.m.Ended: 10:30 a.m.Date: May 25, 2017Judge: Arenda Wright AllenCourt Reporter: Heidi JeffreysU.S. Attorney: Randy StokerDefense Counsel: Rodolfo CejasCourtroom Deputy: Lorraine HowardProbation Officer: Cathleen YetzerCase No. 2:16cr80Defendant: Sheldon Franklin

() in custody (X) on bond

X Came on for disposition. X Defendant sworn. _____ Interpreter swornX Court finds defendant GUILTY as to Count 1 after a plea before a USMJ.X Presentence Report reviewed. X Ruling made on objections.X Court adopts PSR for the purpose of establishing the advisory guidelines.

_____ Court GRANTS Government request for 2-pt reduction in offense level based upon Attorney General's Policy.

_____ Evidence presented. (Witnesses and exhibits listed on last page)

X Arguments of counsel heard. X Statement of defendant heard.IMPRISONMENT:SENTENCE: Count 1: The defendant shall be committed to the custody of the BOP to be imprisoned for a total term of 24 months.X The defendant is remanded to the custody of the U.S. Marshal.X The defendant shall surrender for service of the sentence at the institution designated by the BOP/U.S. Marshal before 2:00 P.M. on June 30, 2017, as notified by the U.S. Marshal.

_____ If defendant is unable to arrange transportation to the designated institution, the United States Marshal will arrange transportation for the defendant.

X If the defendant is not notified by the United States Marshal of the institution designated, the defendant shall report to the United States Marshal at 600 Granby Street, Norfolk, VA, by 2:00 P.M. on June 30, 2017, to begin service of the sentence.PROBATION:

_____ The defendant shall be placed on probation for a term of _____ years.

SUPERVISED RELEASE:

 X Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years.

 The Court will not impose a term of supervised release as it is not required by statute and the defendant is a deportable alien who likely will be deported after imprisonment.

Standard Conditions of Supervised/Probation:

The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

While on supervised release, the defendant shall not commit another federal, state, or local crime.

While on supervised release, the defendant shall not illegally possess a controlled substance.

While on supervised release, the defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

 X The defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of commencement on supervised release and at least two periodic drug tests thereafter, as directed by the probation officer.

 It shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

Special Conditions of Supervised Release/Probation:

 X The defendant shall apply all monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation, or in a lesser amount to be determined by the court, upon the recommendation of the probation officer.

 X The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.

 X The defendant shall provide the probation officer access to any requested financial information.

 X The defendant shall refrain from obtaining employment where he would have access to money and/or another individuals' personal identifiers.

 X If the defendant tests positive for illicit drug use, he shall participate in a program approved by the United States Probation Office for substance abuse, which program may include residential treatment and testing to determine whether the defendant has reverted to the use of drugs or alcohol, with partial costs to be paid by the defendant, all as directed by the probation officer.

 X The defendant shall waive all rights of confidentiality regarding substance abuse treatment in order to allow the release of information to the United States Probation Office and authorize communication between the probation officer and the treatment provider.

 X The defendant shall earn a college degree or learn a vocational skill during his period of supervision if not employed full-time.

 X The defendant shall pay support for his child in the amount ordered by any social service agency or court of competent jurisdiction. In the absence of any such order, payments are to be made on a schedule to be determined by the court at the inception of supervision, based on the defendant's financial circumstances.

X As to count 1, the defendant shall pay a special assessment in the amount of \$100.00.

____ As to count ____, the defendant shall pay a special assessment in the amount of ____.

____ As to count ____, the defendant shall pay a special assessment in the amount of ____.

____ As to count ____, the defendant shall pay a special assessment in the amount of ____.

The total special assessment due is \$100.00 and shall be due in full immediately.

_____ Court finds defendant is unable to pay fine.

_____ The defendant shall pay a fine in the amount of \$_____.

X The defendant shall make restitution in the amount of \$ 167,528.20

X Restitution Judgment Order, entered and filed in open court.

____ Interest will not accrue if the special assessment/fine/restitution is paid in accordance with the schedule, or any modified schedule, set by this court.

 X The special assessment and restitution are due and payable immediately. Any balance remaining unpaid on the special assessment and restitution at the inception of supervision, shall be paid by the defendant in installments of not less than \$ 300.00 per month, until paid in full. Said payments shall commence 60 days after defendant's supervision begins.

_____ At the time supervision commences, the probation officer shall take into consideration the defendant's economic status as it pertains to his ability to pay the special assessment/fine/restitution ordered and shall notify the court of any change that may need to be made to the payment schedule.

_____ Each restitution payment shall be divided proportionately among the payees named.

_____ Restitution shall be made jointly and severally with _____

X Any special assessment or restitution payments may be subject to penalties for default and delinquency.

X Nothing in the Court's order shall prohibit the collection of any judgment the United States.

X As this judgment imposes a period of imprisonment, payment of Criminal Monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the Clerk, United States District Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

 X The defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until the restitution and special assessments imposed by this judgment are fully paid.

 The defendant notified of right of appeal.

 X Court noted that defendant waived right of appeal in plea agreement.

 X On motion of government, remaining counts dismissed.

 X The defendant is continued on present bond and cautioned re bail jumping.

 X Court recommends incarceration at

 X a facility as close to Georgia as possible.

 X a facility with a Residential Drug Abuse Program (RDAP) when and if defendant qualifies.

 X a facility with educational and vocational opportunities.

 Consent Order of Forfeiture, executed and filed in open court.

Additional Counts/Comments:
